

DOCKET NO: NNH-CV17-6072389-S	:	SUPERIOR COURT
	:	
ELIYAHU MIRLIS	:	J.D. OF NEW HAVEN
	:	
V.	:	
	:	AT NEW HAVEN
YESHIVA OF NEW HAVEN, INC. FKA	:	
THE GAN, INC. FKA THE GAN	:	
SCHOOL, TIKVAH HIGH SCHOOL AND	:	
YESHIVA OF NEW HAVEN, INC.	:	MARCH 22, 2019

**OBJECTION TO PLAINTIFF'S REQUEST TO
PERMIT ENTRY ON DESIGNATED LAND**

Defendant, Yeshiva of New Haven, Inc. respectfully objects to the request by Plaintiff to inspect the property known as 765 Elm Street, New Haven, Connecticut (the "Property"), that is the subject of this foreclosure action. A copy of the request is attached hereto as Exhibit A.

Plaintiff previously inspected the Property on or about March 23, 2018. Plaintiff's real estate consultant was permitted access, took pictures, and received a tour of the Property. There is no reason why Plaintiff needs to, again, inspect the Property, or should be permitted further access to the Property. Accordingly, this request for inspection is duplicative of prior work, untimely, and constitutes an unauthorized use of the discovery process. Therefore, the request is unduly burdensome and should be denied.

THE DEFENDANT:
YESHIVA OF NEW HAVEN, INC.

By: /s/ Jeffrey M. Sklarz
Jeffrey M. Sklarz
Green & Sklarz LLC
700 State Street, Suite 100
New Haven, CT 06511
(203) 285-8545
Fax: (203) 823-4546
jsklarz@gs-lawfirm.com

CERTIFICATION OF SERVICE

This is to certify that a copy of the foregoing has been mailed on the date hereon via U.S.

First-Class Mail, postage prepaid, and/or Email to the following counsel and/or parties of interest:

Zeisler & Zeisler (069625)
10 Middle Street, 15th Floor
Bridgeport, CT 06604

Date: March 22, 2019

/s/ Jeffrey M. Sklarz

EXHIBIT A

DOCKET NO.: NNH-CV17-6072389-S	:	SUPERIOR COURT
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ELIYAHU MIRLIS	:	J. D. OF NEW HAVEN
	:	
v.	:	AT NEW HAVEN
	:	
YESHIVA OF NEW HAVEN, INC.	:	MARCH 13, 2019
FKA THE GAN, INC. FKA THE GAN	:	
SCHOOL, TIKVAH HIGH SCHOOL AND	:	
YESHIVA OF NEW HAVEN, INC.	:	

PLAINTIFF'S REQUEST TO PERMIT ENTRY ON DESIGNATED LAND

Pursuant to Section 13-9 of the Connecticut Practice Book, the plaintiff, Eliyahu Mirlis, through undersigned counsel, demand that the defendant, Yeshiva of New Haven, Inc. fka The Gan, Inc. fka The Gan School, Tikvah High School and Yeshiva of New Haven, Inc., permit the entry onto land as requested herein no later than fifteen (15) days after service of the enclosed Request to Permit Entry on Designated Land in accordance with the Definitions and Instructions set forth below.

DEFINITIONS

1. The terms “**You**” and “**Your**”, shall refer to that the defendant, Yeshiva of New Haven, Inc. fka The Gan, Inc. fka The Gan School, Tikvah High School and Yeshiva of New Haven, Inc., and its officers, members, successors, assigns, agents, employees, and representatives.

2. The term “**Plaintiff**” shall mean the plaintiff, Eliyahu Mirlis, and his attorneys, agents, and representatives, including but not limited to any real estate appraiser.

3. The term “**Property**” shall mean the real property situated in the City of New Haven, County of New Haven, and State of Connecticut known as 765 Elm Street, New Haven, Connecticut, including any improvements thereon.

INSTRUCTIONS

The following rules of construction apply to all discovery requests:

- (1) All/Each. The terms "all" and "each" shall both be construed as all and each.
- (2) And/Or. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.
- (3) Number. The use of the singular form of any word includes the plural and vice versa.
- (4) Gender. Unless context clearly requires otherwise, the use of any pronoun or gender-identified form of any word includes both male and female genders.
- (4) With respect to any request to permit entry onto land or other designated property possessed or controlled by You, You must provide access to such land or other designated property so that Plaintiff may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it, as set forth in the request.

REQUEST TO PERMIT ENTRY ONTO DESIGNATED LAND OR OTHER PROPERTY

1. Plaintiff requests that You permit entry to the Property to inspect and photograph the Property for the purpose of obtaining an appraisal of the Property.

THE PLAINTIFF
ELIYAHU MIRLIS

By: /s/ John L. Cesaroni
John L. Cesaroni
ZEISLER & ZEISLER, P.C.
10 Middle Street
15th Floor
Bridgeport, Connecticut 06604
(203) 368-4234
jcesaroni@zeislaw.com
His Attorneys

CERTIFICATE OF SERVICE

This is to certify that today a copy of the foregoing Plaintiff's Request to Permit Entry onto Designated Land was sent to all appearing parties and counsel of record as follows via electronic mail:

Jeffrey M. Sklarz
Green & Sklarz LLC
700 State Street
Suite 100
New Haven, CT 06511
jsklarz@gs-lawfirm.com

/s/ John L. Cesaroni
John L. Cesaroni